



# DALE KOOYENGA

STATE REPRESENTATIVE • 14<sup>th</sup> ASSEMBLY DISTRICT

(608) 266-9180  
FAX: (608) 282-3614  
Toll-Free: (888) 534-0014  
Rep.Kooyenga@legis.wi.gov

P.O. Box 8952  
Madison, WI 53708-8952

January 11, 2012

Committee on Children and Families  
Public Hearing  
10:01 AM – Room 400 Northeast

Chairman Pridemore and Members of the Committee:

I want to thank you for holding this hearing today on this common sense amendment to Wisconsin's Safe Haven statutes. At the request of Safe Place for Newborns I am introducing AB 396 to modify the existing Safe Haven law which was passed with bipartisan support in 2001.

The Safe Haven law allows a parent to relinquish a newborn child to any hospital employee, police officer, firefighter or emergency medical technician within 72 hours of the birth of that child. This law attempts to prevent gruesome situations in which an infant is abandoned or simply "thrown away". Since the passage of this law at least 125 infants have been saved and placed with adoptive families.

AB 396/SB 313 is strengthening an already important law. This legislation allows a parent to relinquish custody of a newborn child for up to 30 days since the birth of the child. Additionally, this bill permits a health care clinic staff member to take a child into custody.

I have personally met with several groups who are interested in this bill and I will introduce an amendment prior to an executive hearing to address some technical issues with the language of the bill. Thank you again for taking the time to discuss AB 396/ SB313, I am open to any questions the committee may have.

Thank you,

A handwritten signature in black ink, appearing to read "Dale P. Kooyenga".

Rep. Dale P. Kooyenga

<http://www.jsonline.com/news/opinion/extend-safe-haven-time-frame-5u3docq-135475348.html>

**Extend safe haven time frame Tricia Burkett Dec. 12, 2011**

In April 2001, Wisconsin passed safe haven legislation allowing any parent to relinquish an unharmed newborn up to 72 hours old to any firefighter, EMT, police officer or hospital employee with no questions asked. This law not only protects newborns but also exists to protect the parents from prosecution should they find themselves with a crisis pregnancy and are unwilling to care for the newborn.

Since 2001, Wisconsin has experienced great success with this law. More than 125 infants have been saved and placed with adoptive families in the past 10 years, and more people are becoming aware of this lifesaving option when faced with a crisis pregnancy.

Every state in the United States has a safe haven or "Baby Moses" law. However, each state varies in its parameters of the law. The age of relinquishment for an infant varies from 72 hours to one year. The two most common time frames in the U.S. for safe haven legislation are three days (12 states) and 30 days (17 states). Illinois is at 30 days.

Some states require a mother to be the one relinquishing the child, while others allow her to choose a representative. Every state allows infants to be relinquished at a hospital, while states such as New York, Alaska and North Carolina allow an infant to be left with "any responsible person."

Recently, Assembly Bill 396 was introduced by Sen. Mary Lazich (R-New Berlin) and Rep. Dale Kooyenga (R-Brookfield). The bill expands the time frame allowed to relinquish a newborn from 72 hours to 30 days and allows staffed health care clinics across Wisconsin to also be safe haven locations.

The changes are necessary and will result in additional lives being saved. The extension to 30 days will be crucial when a woman delivers in a hospital and is unable to relinquish her newborn within 72 hours. When a woman is struggling with this incredibly difficult decision, she could now be given the time to make an educated, well-thought-out decision as a result of the additional time to contemplate her options.

This law protects babies in our communities. Safe haven infants do not linger in foster care. They are quickly placed with their forever families. It creates wonderful families who love and cherish the babies who were safely left when their birth mothers could not care for them. This law allows a mother to give her baby life. She can walk away knowing the baby is safe, and, as demonstrated by the 125 children saved to date, the children will have a good life.

As coordinator of the Safe Place for Newborns program in Wisconsin and an adoptive mother of a safe haven infant, I am hoping that everyone in the community will support these changes and reach out to their legislators to do the same. Milwaukee has one of the highest infant mortality rates in the country, and we need to protect those who cannot protect themselves.

We need to show that we will do whatever possible to protect infants in our communities. This change to the current legislation can help us do that.

*Tricia Burkett is coordinator of the Safe Place for Newborns program in Wisconsin.*

## WISCONSIN HOSPITAL ASSOCIATION, INC.

January 11, 2012



**TO: Members of the Assembly Committee on Children and Families – Representative Don Pridemore, Chair**

**FROM: Paul Merline, Vice President, Government Relations**

**RE: Request for Amendment to AB 396, Relating to Wisconsin’s “Safe Haven” Law**

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The Wisconsin Hospital Association (WHA) supports Wisconsin’s “safe haven” law which went into effect in April 2001. It allows a parent to relinquish control of her unwanted, unharmed newborn, up to three days old, confidentially to any hospital employee, EMT, or police professional in the state without fear of prosecution. The newborn is given medical attention then placed in foster care for adoption.

WHA also supports Assembly Bill (AB) 396 that would expand Wisconsin’s “safe haven” law to allow a parent to relinquish custody of a child *30 days* old or younger and adds *health care clinic* staff to the list of individuals to which a parent could relinquish their newborn.

Under current law, when a parent gives birth in a hospital and relinquishes custody of the newborn child to the hospital during the newborn admission, the procedures related to filing a birth certificate and allowing the parent to remain anonymous are inconsistent. Hospitals are required to complete and file the newborn’s birth certificate with parental information within a specified time period, which conflicts with the anonymous filing required by the “safe haven” law.

This inconsistency becomes even clearer with the changes being sought under AB 396. By expanding the allowable time during which a parent can relinquish custody of their newborn to 30 days of birth, a parent may choose to relinquish custody of the newborn after the hospital in which the birth occurred necessarily has filed a birth certificate.

WHA respectfully requests your support for an amendment to AB 396 (attached) that would clarify hospital requirements related to filing newborn birth information. This change would recognize that whether a child is three days old or up to 30 days old, the baby would have two birth certificates, one filed by the hospital or other facility at which the baby was born and one anonymous certificate completed when the parent relinquishes control of the baby. This change would help ensure that the “safe haven” law does not conflict with other applicable law relating to hospitals and the filing of newborn birth information.

## *Safe Haven Law*

### *Summary*

Under current law, when a parent gives birth in a hospital and relinquishes custody of the newborn child to the hospital during the newborn admission, the procedures related to filing a birth certificate and allowing the parent to remain anonymous is unclear. This change allows a hospital in which the newborn child was born to file a birth certificate that omits the name of the mother and father. With the change that will allow a parent to relinquish custody of a newborn within 30 days of birth, a parent may choose to relinquish custody of the newborn after the hospital in which the birth occurred is required to file a birth certificate.

### *Proposed changes to the AB 396 in italics:*

**Section 2.** 48.195 (2)(a) of the statutes is amended to read:

48.195(2)(a) Except as provided in this paragraph, a parent who relinquishes custody of a child under sub (1) and any person who assists the parent in that relinquishment have the right to remain anonymous. The exercise of that right shall not affect the manner in which a law enforcement officer, emergency medical technician, or hospital or health care clinic staff member performs his or her duties under this section or under any other applicable law or regulation. No person may induce or coerce or attempt to induce or coerce a parent or person assisting a parent who wishes to remain anonymous into revealing his or her identity, unless the person has reasonable cause to suspect that the child has been the victim of abuse or neglect or that the person assisting the parent is coercing the parent into relinquishing custody of the child.

**Section 9.** *Section 69.14(3)(am) of the statutes is created to read:*

*69.14(3)(am). If the birth of the registrant under this section occurred at a hospital and custody of the registrant is relinquished to a hospital staff member under s. 48.195(1) during the registrant's newborn admission at the hospital, the hospital administrator or his or her designee shall file a birth certificate under subd. (a) and information about the mother and the father shall be omitted from the registrant's birth certificate. This section shall not affect the obligation of the hospital administrator or his or her designee to also prepare and file a birth certificate under s. 69.14(1) related to the birth of the registrant that occurred at the hospital.*